**THE HONOURABLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.9727 OF 2007

DATED 01.05.2007

BETWEEN

Y.Subrahmanyam and others.

… Petitioners

AND

The District Collector, West Godavari District, Eluru and others.

… Respondents

**THE HONOURABLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.9727 OF 2007

**ORDER:**

The petitioners who are thirteen in number are residents of Komarada village of Bhimavaram Mandal in West Godavari District.

They are allegedly in continuous possession and enjoyment of small extents of land admeasuring 2 to 3 cents in survey Nos.205 and 205/11 of Komarada village, Bhimavaram Mandal for more than thirty years. They raised thatched houses and are residing in that. They were also given household cards. They allege that in the last of week of March, 2007, revenue authorities came to petitioners' residential huts and informed that they have to hand over the land for being used under Indira Adarsa House Scheme. They then gave a representation on 30.03.2007, in vain. It is further alleged that without adhering to due process of law, respondents are trying to dispossess the petitioners. They, therefore, seek appropriate writ for declaration and directions.

After hearing learned counsel for petitioner and learned Assistant Government Pleader for Assignment, this Court is convinced that the writ petition is filed on mere apprehension. Paragraph 3 of the affidavit accompanying the writ petition, in which, cause of action is disclosed is very vague and does not inspire any confidence in the Court. Therefore, the writ petition is liable to be dismissed. However, this Court observes that as and when the petitioners are to be dispossessed – if they are in possession of the land; respondents have to necessarily follow due process of law under A.P.Land Encroachment Act or any other law empowering the Government to evict those persons in possession of Government land.

The writ petition, subject to above observations, is dismissed. No costs.

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**(V.V.S.RAO,J)**

01.05.2007.
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